

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: John J. McKillip

Appln No.: 10/004,510

Filed: November 2, 2001

For: METHOD AND APPARATUS
FOR PRODUCING
MULTIPLE DIE-CUT
BUSINESS FORMS

TC/AU: 2854

Examiner: Eickholt, Eugene H.

Docket No.: 72412

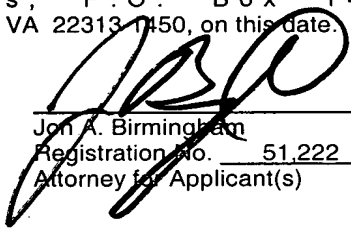
Customer No.: 22242

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) CERTIFICATE OF MAILING

) I hereby certify that this paper (along with any
) paper referred to as being attached or enclosed) is
) being deposited with the United States Postal
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) Patents, P. O. Box 1450,
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) 01/06/04
) Date


Jon A. Birmingham
Registration No. 51,222
Attorney for Applicant(s)

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the duty of disclosure under 37 CFR § 1.56, and in accordance with 37 CFR §§ 1.97 and 1.98 and MPEP § 2001.06(c) regarding information learned through litigation, Applicant brings the following information with respect to the above-identified application to the attention of the Examiner. This information arose from *Ameriprint Corp. v. Malessa Partners, LLC et al*, civil action no. 02 C 8110, in the Northern District of Illinois involving United States Patent Nos. 6,182,572 ("the '572 patent") and 6,389,971 ("the '971 patent").

<u>NON PATENT LITERATURE DOCUMENTS</u>		<u>PAGES</u>
<u>PLEADINGS AND TRANSCRIPTS</u>		
1.	Chicago Tag & Label, Inc.'s Response to Malessa's First Set of Interrogatories, March 31, 2003 (12 pages).	1, 11-21
2.	Chicago Tag & Label, Inc.'s Supplemental Response to Malessa's First Set of Interrogatories including exhibits, June 24, 2003 (13 pages).	1-6, 8-14
3.	Transcript of Patrick J. Quinlan's Deposition, August 27, 2003.	1, 14-52, 63-65
4.	Transcript of James Schulty's Deposition, June 6, 2003.	1, 59-107, 177-181
5.	Transcript of Davis Steidinger's Deposition, June 19, 2003.	1, 32-63, 103-104, 110-119, 181-185
6.	Transcript of Steve Kreuzer's Deposition, September 8, 2003.	1, 9-84, 90
7.	Transcript of David W. Paularena's Deposition, August 29, 2003.	1, 52-54, 75-76, 92

NON PATENT LITERATURE DOCUMENTS

8. Fax from P.J. Quinlan to Dave Paularena dated May 24, 1997 (1 page).
9. Letter to P.J. Quilan from Natasha Stone on Webtron stationery dated February 2, 1998 (1 page) enclosing Machine Order and Contract dated February 2, 1998 (2 pages).
10. Drawing No. DP-1853 entitled "Flexo Press BX 1305" with handwritten markings and dated June 17, 1998 (1 sheet).
11. Letter on Aquaflex stationery to Mr. Quinlan from Daniel Presseault hand dated April 10, 1998 with hand drawing titled "Proposal for 'Preferred Customer Club'" (2 pages).
12. Drawing No. DP-1945-1 entitled "Flexo Press BX 1308(4)" dated July 29, 1998 with photographs attached (3 sheets).
13. Letter on Tamarack stationery from Gayle Harrop to a Jim Schulty dated February 14, 1998 enclosing document entitled "Tamarack Affixing Equipment" dated March 9, 1998 (2 pages).
14. Document entitled Uarco General Requisition No. 36556 dated November 10, 1994 (1 page).

NON PATENT LITERATURE DOCUMENTS

15. Document entitled "Interoffice Memo" from a George Zehner to a Don Sanders and dated March 3, 1995 (1 page).
16. Photograph of Uarco Press 391, as marked by Mr. Kreuzer during his deposition on September 8, 2003 (1 photo).
17. Document entitled "Interoffice Memo" from a Steve Kreuzer to a Van Kleinman dated November 2, 1995 (1 page).

The above documents are listed on Form PTO/SB/08 which accompanies this Information Disclosure Statement. A copy of each reference is enclosed herewith.

The above information relates to allegations of invalidity of the '971 and '572 patents, such as invalidity based on prior offers for sale and prior public use. The lawsuit has been dismissed by the parties. Portions of the transcripts have been redacted pursuant to a Protective Order. The following table identifies the exhibits discussed in the depositions. Each of these exhibits is either submitted herewith or was previously submitted.

DEPOSITION EXHIBIT	IDENTIFICATION OF EXHIBIT
Quinlan Dep. Ex. 126.	Fax from P.J. Quinlan to Dave Paularena dated May 24, 1997 (1 page).

DEPOSITION EXHIBIT	IDENTIFICATION OF EXHIBIT
Quinlan Dep. Ex. 127.	Letter on Aquaflex stationary to a Mr. Quinlan dated June 24, 1997 (2 pages).
Quinlan Dep. Exs. 128 and 129.	Document entitled "Tamarack Affixing Equipment integrated with an Aquaflex press for GenForms" dated August 1, 1997, and letters dated July 02, 1997, July 10, 1997, August 1, 1997 and September 3, 1997 (6 pages).
Quinlan Dep. Ex. 130.	Drawing No. DP-1853 entitled "Flexo Press BX 1305" with handwritten markings and dated June 17, 1998 (1 sheet).
Quinlan Dep. Ex. 131.	Letter on Aquaflex stationery to Mr. Quinlan from Daniel Presseault hand dated April 10, 1998 with hand drawing titled "Proposal for 'Preferred Customer Club'" (2 pages).
Quinlan Dep. Ex. 132.	Document entitled "GenForms Purchase Order" and dated February 4, 1998 (1 page).
Schulty Dep. Ex. 65.	Drawing No. DP-1945-1 entitled "Flexo Press BX 1308(4)" dated July 29, 1998 with photographs attached (3 sheets).

DEPOSITION EXHIBIT	IDENTIFICATION OF EXHIBIT
Schulty Dep. Ex. 67 (several documents included).	Letter on Tamarack stationery from a Gayle Harrop to a Jim Schulty dated March 10, 1998 (1 page) enclosing document entitled "Tamarack Affixing Equipment" dated March 9, 1998 (2 pages).
Schulty Dep. Ex. 67.	Letter on Tamarack stationery from Gayle Harrop to a Jim Schulty dated February 14, 1998 enclosing document entitled "Tamarack Affixing Equipment" dated March 9, 1998 (2 pages).
Schulty Dep. Ex. 68.	Letter on Tamarack stationery from a Gayle Harrop to a Jim Schulty dated March 10, 1998 (1 page) enclosing document entitled "Tamarack Affixing Equipment" dated March 9, 1998 (2 pages).
Schulty Dep. Ex. 69.	Letter on Tamarack stationery from a Gayle Harrop to a Jim Schulty dated February 6, 1998 (2 pages) enclosing document entitled "Tamarack Finishing Equipment" dated February 6, 1998 (4 pages).
Steidinger Dep. Ex. 19 (several documents included).	Drawing No. 930928, entitled "Tamarack Label Application In-Line Installation With Hamilton 28"D. Roll 20" Web Collator for General Business Forms" and dated September 27, 1993 (1 sheet).

DEPOSITION EXHIBIT	IDENTIFICATION OF EXHIBIT
Steidinger Dep. Ex. 19.	Document entitled "General Business Forms" and dated October 29, 1993 (3 pages).
Steidinger Dep. Ex. 19.	Document entitled "Tamarack Products Inc. Invoice No. 940921" and dated September 21, 1994 (3 pages).
Steidinger Dep. Ex. 20.	Drawing No. 921014, entitled "Hamilton Jumbo/Stencil-Label Applicator" and dated October 14, 1992 (1 sheet).
Steidinger Dep. Ex. 21.	Tamarack Brochure having a footer reading "Print '97 McCormick Place, Chicago" (2 pages).
Steidinger Dep. Ex. 92.	Document entitled "Bielomatik - Web-Finishing Machine" (pp. A656-667).
Steidinger Dep. Ex. 98.	Photograph of Uarco Press 391 no date known (1 photo).
Kreuzer Dep. Ex. 58.	Document entitled Uarco General Requisition No. 36556 dated November 10, 1994 (1 page).
Kreuzer Dep. Ex. 59.	Document entitled "Interoffice Memo" from a Steve Kreuzer to a George Zehner and dated December 27, 1994 (1 page).

DEPOSITION EXHIBIT	IDENTIFICATION OF EXHIBIT
Kreuzer Dep. Ex. 60.	Document entitled "Interoffice Memo" from a Steve Kreuzer to a Don Sanders and dated February 3, 1995 (1 page).
Kreuzer Dep. Ex. 61.	Document entitled "Interoffice Memo" from a Steve Kreuzer to a George Zehner and dated March 7, 1995 (3 pages).
Kreuzer Dep. Ex. 62.	Document entitled "Interoffice Memo" from a George Zehner to a Don Sanders and dated March 3, 1995 (1 page).
Kreuzer Dep. Ex. 63.	Document entitled "Interoffice Memo" from a Steve Kreuzer to a George Zehner and dated March 20, 1995 (2 pages).
Kreuzer Dep. Ex. 64.	Document entitled "Interoffice Memo" from a Steve Kreuzer to a Tony Gallagher dated August 2, 1996 (2 pages).
Kreuzer Dep. Ex. 67.	Photograph of Uarco Press 391, as marked by Mr. Kreuzer during his deposition on September 8, 2003 (1 photo).
Kreuzer Dep. Ex. 68.	Document entitled "Interoffice Memo" from a Steve Kreuzer to a Van Kleinman dated November 2, 1995 (1 page).
Paulareno Dep. Ex. 127.	Same as Qunilan Dep. Ex. 127.

Appln No. 10/004,510
Filed November 2, 2001

PATENT APPLICATION
Attorney Docket 72412

DEPOSITION EXHIBIT	IDENTIFICATION OF EXHIBIT
Paulareno Dep. Ex. 128.	Same as Qunilan Dep. Ex. 128.
Paulareno Dep. Ex. 129.	Same as Qunilan Dep. Ex. 129.
Paulareno Dep. Ex. 132.	Same as Qunilan Dep. Ex. 132.

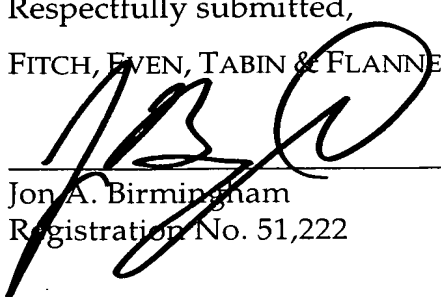
The Applicant expressly files this Information Disclosure Statement pursuant to 37 C.F.R. §1.97(h), and therefore, the submission of this information is not to be construed as an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

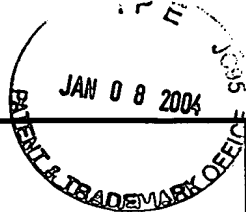
The Commissioner is hereby authorized to charge any additional fees which may be required with respect to this communication or credit any overpayment to Deposit Account No. 06-1135.

Respectfully submitted,
FITCH, EVEN, TABIN & FLANNERY

Date: January 6, 2004

Suite 1600
120 South LaSalle Street
Chicago, Illinois 60603-3406
Telephone: (312) 577-7000
Facsimile: (312) 577-7007


Jon A. Birmingham
Registration No. 51,222

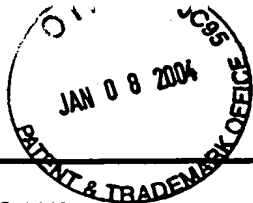


PTO/SB/08A Substitute for Form PTO-1449 INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Application Number		10/004,510	
		Filing Date		November 2, 2001	
		First Named Inventor		McKillip	
		Art Unit		2854	
		Examiner Name		Eickholt, Eugene H.	
Sheet	1	of	2	Attorney Docket	72412

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published			T ²
		Chicago Tag & Label, Inc.'s Response to Malessa's First Set of Interrogatories, March 31, 2003 (12 pages). Pages 1, 11-21.			
		Chicago Tag & Label, Inc.'s Supplemental Response to Malessa's First Set of Interrogatories, including exhibits, June 24, 2003 (13 pages). Pages 1-6, 8-14.			
		Transcript of Patrick J. Quinlan's Deposition, August 27, 2003 (11 pages). Pages 1, 14-52, 63-65.			
		Transcript of James Schulty's Deposition, June 6, 2003 (16 pages). Pages 1, 59-107, 177-181.			
		Transcript of Davis Steidinger's Deposition, June 19, 2003 (14 pages). Pages 1, 32-63, 103-104, 110-119, 181- 185.			
		Transcript of Steve Kreuzer's Deposition, September 8, 2003 (21 pages). Pages 1, 9-84, 90.			
		Transcript of David W. Paularena's Deposition, August 29, 2003 (5 pages). Pages 1, 52-54, 75-76, 92.			
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Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.
¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.



PTO/SB/08B Substitute for Form PTO-1449 INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Application Number	10/215,123		
		Filing Date	August 8, 2002		
		First Named Inventor	McKillip		
		Art Unit	3611		
		Examiner Name	Hoge, Gary Chapman		
Sheet	2	of	2	Attorney Docket	74789

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
		Document entitled Uarco General Requisition No. 36556 dated November 10, 1994 (1 page).	
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